

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES WINSTON DANIELS, II, and
LINDA LEE OSWALD, Both Adults,
Individually and on Behalf of All Other
Persons Similarly Situated,

Plaintiffs,

v.

CONAGRA, INC., a Foreign Corporation,

Defendant.

Case No. 2:07-cv-0259MJP

ORDER

THIS MATTER having come before the Court on the parties' joint motion, the Court having reviewed the motion, and the Court finding good cause to grant the motion, it is hereby Ordered as follows:

- (1) Defendant ConAgra Foods Inc. shall retain and store, for the possibility of later testing, thirty (30) cases of Inventoried Product for each production day, for which it has Inventoried Product as set forth upon Exhibit "A." In the event that ConAgra possesses less than thirty (30) cases per production day, it shall retain all the Inventoried Product it does possess. The remaining Inventoried Product reflected in Exhibit "A" may, absent FDA objection, be disposed of or destroyed by Defendant ConAgra Foods, Inc.

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2 following reasonable notice, in substantially the form attached hereto as
3 Exhibit "C," to all known interested parties, including the FDA.

4 (2) To the extent that Defendant ConAgra Foods, Inc. shall locate additional
5 product not listed upon Exhibit "A," it shall seek further order of this court
6 with respect to any disposition thereof.

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8 (3) Defendant ConAgra Foods, Inc. shall retain and store all Individual Jars, as
9 defined herein, pursuant to prior order this court.

10 IT IS SO ORDERED.

11 DATED this _____23rd_____ day of MAY, 2007.
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16 Marsha J. Pechman
17 U.S. District Judge
18

19 Consented to as to Form and Content:

20 /s/ William D. Marler
21 William D. Marler
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Attorneys for Plaintiffs

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/s/ _____
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